

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

3:17-MJ-0003 (ATB)

v.

KYLE DeWOLF,

Defendant.

APPEARANCES:

OF COUNSEL:

HON. RICHARD S. HARTUNIAN
United States Attorney for the N.D.N.Y.
Counsel for the Government
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Syracuse, NY 13261-7198

SAHAR L. AMANDOLARE, ESQ.
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HON. LISA A. PEEBLES
Federal Public Defender for the N.D.N.Y.
Counsel for Defendant
4 Clinton Square, 3rd Floor
Syracuse, NY 13202

COURTENAY K. McKEON, ESQ.
RANDI JUDA DiBIANCO, ESQ.
Assistant Federal Public Defenders

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

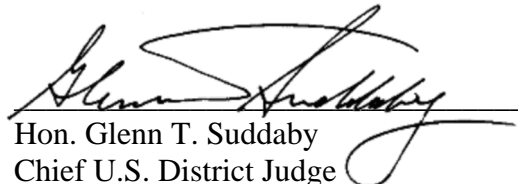
Currently before the Court is U.S. Magistrate Judge Andrew T. Baxter's Report-Recommendation recommending that the Court issue an Order finding that Kyle DeWolf ("Defendant") is competent to go forward with a criminal proceeding in the U.S. District Court for the Eastern District of Wisconsin, in which he is alleged to have violated the conditions of his supervised release. (Dkt. No. 11.) The parties have waived the fourteen-day period in which to file an Objection to the Report-Recommendation. (Text Minute Entry dated 5/2/17.) After

carefully reviewing the matter, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein: the Court finds Defendant competent to go forward with the aforementioned proceeding in the Eastern District of Wisconsin. (Dkt. No. 11.)

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 11) is **ACCEPTED** and **ADOPTED** in its entirety: the Court finds Defendant competent to go forward with a criminal proceeding in the U.S. District Court for the Eastern District of Wisconsin, in which he is alleged to have violated the conditions of his supervised release.

Dated: May 3, 2017
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).